

Brian Sandoval
Governor

STATE OF NEVADA

Brian Sandoval
Chairman

Michael Haley
Vice Chairman



NEVADA COMMISSION ON HOMELAND SECURITY

2478 Fairview Drive
Carson City, NV 89701

January 13, 2012

Chairman Julius Genachowski
Federal Communications Commission
Room: 8-B201
445 12th Street, SW
Washington, D.C. 20554

**Re: Request for Waiver Filed by the Nevada Department of Transportation,
Las Vegas Metropolitan Police Department, Washoe County Sheriff's Office,
Washoe County Regional Communication System and NV Energy ("Request")**

Chairman Genachowski:

On behalf of the Nevada Commission on Homeland Security (NCHS), I (and my vice chair) write to inform you that on January 7, 2012, the NCHS prioritized the development of Nevada's planned statewide, interoperable public safety wireless broadband network (Network) for FY 2012 and dedicated funding is available for this purpose. However, due to the uncertainty created by the current lack of authorization from the Federal Communications Commission ("Commission") to begin development of Nevada's Network, the funds dedicated will be reallocated on March 1, 2012 unless the Commission approves Nevada's Request. Consequently, allocated state dollars that would otherwise be invested beginning in FY 2012 for development of Nevada's Network will be lost. For this reason, the NCHS urges the Commission to immediately approve the Request.

The NCHS, which I chair, is responsible for directing funding for development of Nevada's Network. As you know, on May 9, 2010 Nevada requested that the

Commission waive its 700 MHz public safety early deployment rules to empower Nevada to construct and operate a 700 MHz Network. While awaiting action from the Commission, Nevada has begun plans to direct funding to projects that will build out its proposed Network. In November 2011, the NCHS sought the development of funding and project investment justifications and applications for key state priority projects.

On December 1, 2011, Nevada representatives met with Commission staff, requesting swift approval of the Request and making clear that:

- 1) Nevada is ready to begin development of its network prior to the Commission deciding on allowance of use of the Network by non-governmental entities;
- 2) An immediate grant of the Request from the Commission will prompt funding support from Nevada; and
- 3) Nevada can only allocate funding in FY 2012 for the development of its proposed Network if a waiver is granted in the coming weeks.

On December 12, 2011, I wrote in a letter to you that:

- 1) Nevada and its various agencies are currently identifying projects to prioritize for FY 2012 funding and will finalize funding recommendations in the coming weeks;
- 2) As NCHS Chairman, I am leading the effort to develop funding priorities for 2012;
- 3) Were it possible, the development of a statewide Network would be among the most vital projects across the various agencies in Nevada;
- 4) Nevada cannot target funds for the planned Network without first having obtained the necessary waiver from the Commission;
- 5) Thus, while Nevada is prepared to fund the development of its Network in FY 2012, it will not do so without the waiver in the next few weeks; and
- 6) Funding opportunities that can begin the deployment of a truly interoperable network will be put off for yet another year without prompt Commission action.

On January 7, 2012, the NCHS reviewed funding proposals and approved investment priorities consistent with the state's strategic public safety interoperability plans. These are the sole priorities that will be funded, and funds will be dedicated to them beginning in FY 2012. Ultimately, the NCHS agreed to dedicate funds to Nevada's planned Network beginning in FY 2012. However, investment is put in question because Nevada has not yet received a waiver. The NCHS has limited resources, and state funding cannot be held unspent for a fiscal year in anticipation of Commission action. Therefore, a motion was resolved by the NCHS on January 7, 2012, to make clear to the Commission that:

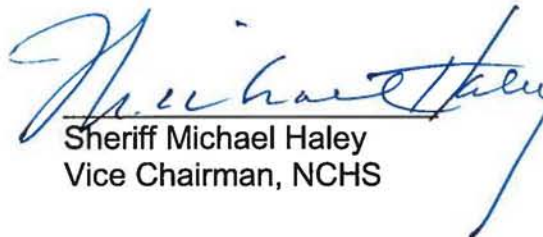
- 1) The NCHS urges the Commission to immediately approve the Nevada Waiver Request;
- 2) The NCHS has now prioritized the development of Nevada's planned Network in FY 2012, and plans to dedicate funds for this purpose; and
- 3) These dedicated funds will be redirected on March 1, 2012, unless the Commission has approved the Nevada Waiver Request.

Simply put, Nevada is ready to invest funds for development of its Network but will not do so without a Commission waiver by March 1, 2012. The NCHS greatly appreciates your attention to this critical matter, and urges immediate approval of the Nevada Waiver Request.

Sincere regards,



Governor Brian Sandoval
Chairman, NCHS



Sheriff Michael Haley
Vice Chairman, NCHS